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Attorneys for Petitioner EDAG Engineering GmbH,
a corporation organized and existing under the laws
of the Republic of Germany

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

EDAG Engineering GmbH,

Petitioner,

v.

BYTON North America Corporation,

Respondent

Case No. 3:21-cv-04736-EMC
**[PROPOSED] ORDER TO TURNOVER
INTELLECTUAL PROPERTY OF BYTON
NORTH AMERICA CORP. ("BNA") to the
U.S. MARSHAL ED CA ("MARSHAL")
PURSUANT TO C.C.P. SECTION
699.040(a)&(b) AND APPOINT A RECEIVER
AS SURROGATE FOR BNA TO DIRECT
JAMA SOFTWARE AS CUSTODIAN OF
BNA IP TO TURNOVER TO THE
MARSHAL, AND SALE BY MARSHAL
PURSUANT TO C.C.P. SECTION 701.520(b).**
Judge: Honorable Edward M. Chen [Video-
ZOOM hearing]
Petition Filed: June 23, 202

Said EX PARTE APPLICATION FOR ISSUANCE OF THE FOLLOWING: (A) TURNOVER OF INTELLECTUAL PROPERTY OF BYTON NORTH AMERICA CORP. ("BNA") to the U.S. MARSHAL ED CA ("MARSHAL") PURSUANT TO C.C.P. SECTION 699.040(a)&(b); (B) APPOINT A RECEIVER AS SURROGATE FOR BNA TO DIRECT JAMA SOFTWARE AS CUSTODIAN OF BNA IP TO TURNOVER TO THE MARSHAL, AND SALE BY MARSHAL PURSUANT TO C.C.P. SECTION 701.520(b) (collectively "Section 669.040 Motion"), the Court having considered the Section 669.040 Motion consisting of all moving and responding papers, and considered the argument of counsel, and likewise considered all other matters which the court may take judicial notice under FRE 201, and other matters before this court, and for good cause therein, therefore,

IT IS HEREBY ORDERED to turnover Intellectual Property of Byton North America Corporation ("BNA") in the hands of JAMA SOFTWARE INC. (as a conduit, bailee, and custodian, and in possession) to the U.S. Marshal, Eastern District of California ("Marshal") pursuant to C.C.P. Section 699.040(a)&(b), 501 I Street, Suite 5600, Sacramento, CA 95814.

IT IS FURTHER ORDERED that MICHAEL WARDA is appointed as a receiver under C.C.P Section 699.070(a) to act as the surrogate and designee to direct Jama Software Inc., who is the conduit, bailee, and custodian and in possession of the BNA IP, to turn over the BNA IP to the Marshal, and proceed with a Marshal's sale thereof under C.C.P. Section 701.520(a)(3) [general intangible under Section 700.170 (general intangible subject to a levy),] or, alternatively by a sale by the Receiver under C.C.P. Section 699.070 (b), FRCP 66, C.C.P. Section 708.620, Section 564, 568 and 568.5 etc.

Dated: _____

HONORABLE EDWARD M. CHEN
JUDGE OF THE UNITED STATES DISTRICT
COURT

TO BYTON NORTH AMERICA CORPORATION, AND BYTON LIMITED, A HONG KONG CORPORATION, AND EACH OF THEM.

PLEASE TAKE NOTICE THAT THE FAILURE TO COMPLY WITH THIS ORDER MAY SUBJECT BYTON NORTH AMERICA AND/OR BYTON LIMITED TO BEING HELD IN CONTEMPT OF COURT.